

REMARKS/ARGUMENTS

Claims 1-16 are pending in the present application.

This Amendment is in response to the Office Action mailed April 1, 2008. In the Office Action, the Examiner rejected claims 15-16 under 35 U.S.C. §101; claims 1-16 under 35 U.S.C. §102(e). Applicant has canceled claims 10-13 and 15-16, and amended claim 14.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 15-16 under 35 U.S.C. §101. The Examiner states “...a recording medium with a built-in program is non-statutory because the program is not being executed by a processor or a computer. Therefore the claimed subject matter fails to carry out any useful process.” Applicant respectfully disagrees with the rejection and believes that the rejection is moot since claims 15-16 have been cancelled. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §101 be withdrawn.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,546,997 issued to Bohnke et al. (“Bohnke”). With respect to claims 1-9, Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of anticipation. With respect to claims 10-13, Applicant respectfully disagrees with the rejection and believes that the rejection is moot since claims 10-13 have been canceled.

To anticipate a claim, the reference must teach every element of a claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Bohnke teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

While Bohnke discloses the estimation means 20b of the receiving apparatus comparing the received pilot symbols to the known pilot symbols (Bohnke, col. 8, lines 30-36), there is no mention in the portion cited by the Examiner or anywhere else in the patent of “assigning fundamental pilot symbols”, as recited in claims 1. In the present invention, it is noted that “the positioning (assignment) of pilot symbols is of a great significance to the receiver of an OFDMA-based system, which estimates a transfer function value of channels in a two-dimensional (time, frequency) space. Hence, both the time domain and the frequency domain must be taken into consideration in pilot symbol assignment so as to transmit the pilot symbols. In case of using a plurality of antennas, the pilot symbols of the multiple antennas are assigned in consideration of both the time domain and the frequency domain” (See Specification, page 1, Background, for further details).

Moreover, while Blohnke discloses advantageous combinations of subcarrier numbers and numbers of OFDM/TDMA-timeslots to be mapped into one or more GSM-timeslots (Blohnke, col. 8, lines 51-55), there is no mention of “symbol-mapping data of a common channel and a control channel” or “symbol-mapping the data of the traffic channel according to the transmission mode by users,” as recited in claim 1. Similarly, there is no mention of “symbol-mapping of the received common/control channels” and “symbol-mapping of the traffic channel”, as recited in amended claim 14.

Therefore, Applicant believes that independent claims 1 and 14 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(e) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: June 30, 2008

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